



**Outside Counsel  
CITY OF AUSTIN  
RECOMMENDATION FOR COUNCIL ACTION**

**AGENDA ITEM NO.:** 10  
**AGENDA DATE:** Thu 03/02/2006  
**PAGE:** 1 of 1

**SUBJECT:** Authorize negotiation and execution of an amendment to an outside counsel contract with Cox Smith Matthews, San Antonio, TX, for legal services related to *Harry M. Whittington, et al. v. City of Austin*; Cause No. 2403 in the County Court at Law in Travis County, Texas, in an amount of \$180,000, for a total contract amount not to exceed \$190,000. (concerns the City's condemnation case)

**AMOUNT & SOURCE OF FUNDING:** Funding in the amount of \$180,000 is available in the 2005-2006 Approved Operating Budget of the Austin Convention Center (\$90,000) and Electric Utility Department (\$90,000).

**FISCAL NOTE:** There is no unanticipated fiscal impact. A fiscal note is not required.

**REQUESTING Law  
DEPARTMENT:**

**DIRECTOR'S  
AUTHORIZATION:** Anne Morgan

**FOR MORE INFORMATION CONTACT:** Anne Morgan, Assistant City Attorney, 974-2507

**PRIOR COUNCIL ACTION:** N/A

**BOARD AND COMMISSION ACTION:** N/A

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This action authorizes an amendment to a legal services contract with Cox Smith Matthews, San Antonio, Texas, to provide legal counsel regarding *Harry M. Whittington, et al. v. City of Austin*; Cause No. 2403 in the County Court at Law in Travis County, Texas. This case involves the City's condemnation of property.

The Law Department contracted with Cox Smith Matthews on September 30, 2005, to review the legal position of the city. The original contract amount was \$10,000 which is under the department's administrative authority. This amendment of \$180,000 will be used for the firm to represent the city in the case when it is remanded back to the trial court.